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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/915,993

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Robert S. Stewart

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11/28/2007

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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/915,993

Applicant(s)

STEWART ET AL.

Examiner

Kirsten S. Apple

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This action is in response to the applicants RCE filed on September 5, 2007.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been entered.

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 1-23 under 35 USC 102.

The Applicant attention is re-drawn to the following:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Reddy (US

Patent 6,564,191 B1.

Re claim 1 & 7 & 22: Reddy discloses:

A investment management system & method & computer readable medium (see Reddy, title), comprising:

Receiving a request from a user (see Reddy, Figure 10, Item 1010)

Performing the operation on the portfolio (see Reddy, Figure 10, Item 1010)

An application server (see Reddy, Figure 10, Item 1010), to perform => following:

Portfolio analysis of an investment portfolio (see Reddy, Figure 4) portfolio analysis includes aggregating a plurality of securities in the investment portfolio by security type (Reddy, Figure 3, item 310)

Portfolio monitoring of the investment portfolio (see Reddy, Figure 4)

Reporting at least one holding of the investment portfolio (see Reddy, Figure 4)

A database server in communication with the application server (see Reddy, Figure 10, item 1040)

Because the claim language stated "at least one" (=>) only one item needs to be referenced in the prior art in order to deny the claim. The examiner has indicated more than necessary above. The additional items below are not needed to be found, however the examiner believes these may be in the reference or are well known in the art:

Re claim 2: Reddy discloses:

Web browser in communication with application server (see Reddy, Figure 10, item 1010)

Re claim 3: Reddy discloses:

User = investment profession (see Reddy, Paragraph 9)

customer = investment professional (see Reddy, Paragraph 9)

Re claim 4: Reddy discloses:

Database server =>

User database (see Reddy, Figure 10, Item 1044)

Account database (see Reddy, Figure 10, Item 1044)

Portfolio database (see Reddy, Figure 10, Item 1043)

Company/security database (see Reddy, Figure 10, Item 1041)

Publication database (see Reddy, Figure 10, Item 1042)

Re claim 5: Reddy discloses:

Application server performs =>:

Track the performance (see Reddy, Figure 5, Item 530)

Record an investment policy (see Reddy, Figure 5, Item 570)

Because the claim language stated "at least one" (=>) only one item needs to be referenced in the prior art in order to deny the claim. The examiner has indicated more than necessary above. The additional items below are not needed to be found, however the examiner believes these may be in the reference or are well known in the art:

Optimization of a plurality of investment portfolio

Perform base currency translation

Enable block trades

Track relationships among customers

Re claim 6: Reddy discloses:

Application server performs an operation on a periodic basis upon request by user (see Reddy, Paragraph 20, line 4)

Re claim 8: Reddy discloses:

Authentication the user

The examiner claims official notice that one of ordinary skill in the art at the time of the invention would know to verify (authentication) a user before they start

Re claim 9: Reddy discloses:

Updating data in a database (see Reddy, Paragraph 26, line)

Re claim 10: Reddy discloses:

Receiving a request = to perform an operation on the portfolio on a scheduled basis (see Reddy, Paragraph 20, line 4)

Re claim 11: Reddy discloses:

Operation is selected from the group additionally consisting of responding to an account inquiry (see Reddy, Figure 3, Item 310)

Re claim 12: Reddy discloses:

Operation is selected from the group additionally consisting of responding to an asset inquiry (see Reddy, Figure 3, Item 310)

Re claim 13: Reddy discloses:

Operation is selected from the group additionally consisting of responding to an investment policy (see Reddy, Figure 3, Item 310)

Re claim 14: Reddy discloses:

Operation is selected from the group additionally consisting of comparing at least one holding of the portfolio to a predefined criterion (see Reddy, Figure 3, Item 330)

Re claim 15: Reddy discloses:

Operation is selected from the group additionally consisting of comparing at least one holding of the portfolio to a target allocation (see Reddy, Figure 3, Item 330)

Re claim 16: Reddy discloses:

Operation is selected from the group additionally consisting of performing an optimization calculation on at least on holding of the portfolio (see Reddy, Figure 3, Item 340)

Re claim 17: Reddy discloses:

Operation is selected from the group additionally consisting of publishing a document and searching a document (see Reddy, Figure 3, Item 350)

Re claim 18: Reddy discloses:

Operation is selected from the group additionally consisting of performing relationship tracking for a plurality of customers of an investment professional (see Reddy, Figure 3, Item 360)

Re claim 19: Reddy discloses:

Operation additionally includes tracking a performance of at least one holding of the portfolio (see Reddy, Figure 3, Item 340)

Re claim 20: Reddy discloses:

Operation is selected from the group additionally consisting of a currency translation (see Reddy, Figure 3, Item 330, note a currency exchange is a type of security)

Re claim 21: Reddy discloses:

Operation is selected from the group additionally consisting of trading a block of holdings of the portfolio (see Reddy, Figure 3, Item 310)

Re claim 23: Reddy discloses:

Computer readable medium having stored thereon additional instructions which, when executed by the processor, cause the processor to authenticate the user (see Reddy, Figure 10))

Re claim 24, 27 & 30: Reddy discloses:

Scenario analysis (see Reddy, Paragraph 25) scenario analysis includes an analysis of possible trades of at least one security (see Reddy, Figure 2)

Re claim 25, 28 & 31: Reddy discloses:

Linking at least one publication to at least one holding of the investment portfolio (see Reddy, column 11, line 37-51)

Re claim 26, 29 & 33: Reddy discloses:

Trade calculation and rebalancing (see Reddy, Figure 4)

Response to Arguments

Applicant's arguments filed September 5, 2007 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st: Reddy does not teach "scenario analysis includes an analysis of possible trades of at least one security"

The Examiner refutes the argument made by the Applicant and draws the attention to Reddy, Figure 3, item 310 "investment parameters" these parameters then are used later for a portfolio item 340. The applicant is arguing that in Reddy there is "no mention of 'security type'" - but it is clear in figure 3 - item 330 that "individual security" is clearly a "security type."

Contact Information

Application/Control Number:
09/915,993
Art Unit: 3693


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa


ELLA COLBERT
PRIMARY EXAMINER